



**U.S. House of Representatives**  
**Committee on Transportation and Infrastructure**

**James L. Oberstar**  
**Chairman**

**Washington, DC 20515**

**John L. Mica**  
**Ranking Republican Member**

**February 22, 2009**

**David Heymsfeld, Chief of Staff**  
**Ward W. McCarragher, Chief Counsel**

**James W. Coon II, Republican Chief of Staff**

Admiral Thad Allen  
Commandant, United States Coast Guard  
Coast Guard Headquarters  
2100 2nd Street, SW  
Washington, D.C. 20593

Dear Admiral Allen:

Given the serious accusations made against the Coast Guard's Office of Civil Rights (OCR), I applaud your decision to commission an independent, outside entity to conduct a thorough review of the Office and of Coast Guard civil rights programs. However, the results of that review, released in the "United States Coast Guard Office of Civil Rights: Program Review," prepared by Booz Allen Hamilton and made public last week are deeply disturbing and completely unacceptable.

The February 19, 2009, memorandum on the report signed by you and released with the report indicates that on your instruction, "The Director of Civil Rights has already taken action on some of the recommendations and is developing an implementation plan for other items that are actionable in the near-term." Further, the memorandum indicates that the Director is to brief the Leadership Council on those issues that "need the support of other senior leaders to implement longer-term Service-wide solutions" and that you have in turn instructed the Leadership Council to "evaluate broad issues of organizational structure, Human Resource practices and needs related to our Equal Employment Opportunity program, diversity, and climate, as well as address skills assessments and training, workload analysis, upkeep of policy directives, and promulgation of Standard Operating Procedures." These are appropriate first steps – but the findings of this report demand decisive and comprehensive action to correct what appear to be a number of significant shortfalls in the administration of the OCR and related units that are severely limiting the effective provision of a range of civil rights services to Coast Guard personnel and job applicants.

Several of the report's findings are uniquely troubling. For example, the report indicates that web log content has contained confidential information and that, in some cases, information regarding complaint activity has been released. Further, the report indicates that the handling of personally identifiable information "varies as a function of command practices and is not conducted in a prescribed and standardized manner." While an ALCOAST was recently issued addressing unofficial internet posts by Coast Guard personnel, it is imperative that all confidential and personally identifiable information be kept secure. The Coast Guard would never allow classified information to be left "unattended and unlocked at Field locations" due to "limited storage space" – and that same standard must be applied to personnel information.

Further, the report indicates that Equal Employment Opportunity (EEO) discrimination complaints are not being adequately handled. The report indicates that EEO counselors are inadequately trained to provide civil rights services and are in some cases "advising aggrieved parties to seek other forms of redress not identified in the regulations" and that individual Coast Guard "commands have delegated authority for complaints not authorized to make decisions or possessing the requisite subject matter expertise to make such decisions." Other findings indicate that OCR is not adequately staffed to handle the expanded workload that will come to the office when it assumes responsibility for final agency decisions in military complaints. If the EEO complaint resolution process does not work to resolve complaints in an effective and timely manner – and if individuals cannot be sure that the confidentiality of their complaints will be protected – the EEO process will fail to provide services that are in compliance with 29 C.F.R. 1614 and will thus fail to ensure the full protection of worker rights.

The report indicates that "there is very little workforce analysis ongoing in the field or examination of barriers that may inhibit equal employment opportunity in the workplace." Additionally, the report found that the Equal Opportunity Review process lacks metrics to define success and that the review process does not entail the examination of measurable outcomes or the conduct of root cause analysis for problems identified, which apparently leads "commands to narrow problems to discrete areas for improvement." Failure to implement effective equal employment opportunity efforts that identify and remove *all* barriers that may exist to equal employment opportunity is frankly tantamount to a lack of commitment to the achievement of a diverse workforce.

Finally, a number of organizational and administrative shortfalls are identified in the report that appear to be preventing the OCR and related field units from effectively providing civil rights services, including a lack of effective coordination between the OCR and field personnel, a lingering negative climate at the OCR, and the production of poor work products by personnel who may not have the skills necessary to perform the tasks assigned to them and who may not view the effective provision of civil rights services to Coast Guard personnel as their highest priority.

I note that the report clearly states that the "USCG civil rights organization will require long-term temporary support with the requisite analytical skills and subject matter expertise to support activities associated with the implementation of recommendations provided." The report indicates that a Resource Proposal for fiscal year 2011 has requested a "\$2.5 million increase to support additional training, a budget increase, and the creation of positions for additional full-time Field Civil Rights Service Providers." This request must go through a review process; however, as that occurs, it is imperative that the Congress understand the unmet resource needs that may exist within the Coast Guard's civil rights programs so that we understand what will be required to bring these programs to acceptable standards of quality.

Further, the report clearly states that the "implementation of recommendations will need to be openly endorsed at the highest levels of the Coast Guard organization to ensure the cooperation of, and participation by, key stakeholders." Changes will be needed throughout the entire Coast Guard – not just within the OCR and related field units – to ensure that the provision of civil

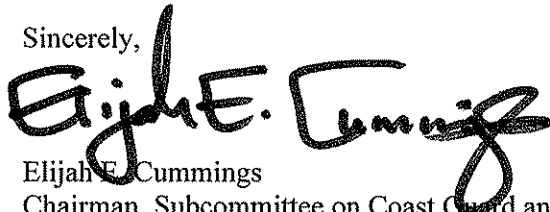
Admiral Thad Allen  
Page 3  
February 22, 2009

rights services by professional and adequately trained civil rights personnel (including, if appropriate, fully trained military personnel) are a shared, service-wide priority.

The Booz Allen Hamilton review appears to be thorough and rigorous. I note that a memorandum prepared by the Department of Homeland Security to transmit the report to the Coast Guard OCR concluded that the report is "comprehensive, well-prepared" and "clearly and thoroughly presents an analysis of the USCG civil rights program, provides supporting documentation, and sets forth specific action items to address identified areas for improvement." It is clear that urgent corrective action is required in response to the reports findings; any delay could imperil the access of Coast Guard personnel to effective, efficient, and timely civil rights services.

Therefore, I write today to request detailed information on the steps that the Coast Guard will take to remedy the serious deficiencies identified in its civil rights services, including the dates by which specific actions will be taken and the benchmarks that will be put in place to measure the effectiveness of remedial actions. I will convene a hearing on this matter in the Subcommittee on Coast Guard and Maritime Transportation in April to examine both the conclusions of this report and the specific steps the Coast Guard will implement to correct these problems.

Sincerely,

A handwritten signature in black ink, reading "Elijah E. Cummings". The signature is stylized with a large, looped "E" and a cursive "Cummings".

Elijah E. Cummings  
Chairman, Subcommittee on Coast Guard and Maritime Transportation

cc: The Honorable Janet Napolitano, Secretary, Department of Homeland Security